

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 12, 2016, at approximately 2:59 p.m., at or near [REDACTED]
Date/Time of COPA Notification:	March 29, 2017, at 11:50 a.m.
Involved Sergeant #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Sergeant of Police, Assigned to Unit [REDACTED], DOA: February 28, 2000, DOB: [REDACTED], 1974, Male, White
Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Police Officer, Assigned to Unit [REDACTED] and Detailed to Unit [REDACTED], DOA: [REDACTED], 2013, DOB: [REDACTED], 1986, Male, Black
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Assigned to Unit [REDACTED] and Detailed to Unit [REDACTED], Police Officer, DOA: [REDACTED], 2011, DOB: [REDACTED], 1982, Male, White
Involved Individual #2:	[REDACTED], DOB: [REDACTED], 1982, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer/Sergeant	Allegation	Finding
Officer [REDACTED] Officer [REDACTED] Sgt. [REDACTED]	<p>It is alleged that on July 12, 2016, at approximately 2:59 p.m., near [REDACTED], while on duty, the named CPD members:</p> <ul style="list-style-type: none"> 1. Used excessive force in detaining and subsequently arresting [REDACTED], including but not limited to strikes about the body 	
		Exonerated

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

II. SUMMARY OF EVIDENCE²

Our investigation included an interviewsw of the complainant, [REDACTED] (“[REDACTED”], Accused Sergeant [REDACTED] (“Sgt. [REDACTED”]) and witness Officers [REDACTED], [REDACTED], and [REDACTED]. Chicago Police Department (“CPD”) reports documenting the incident were also collected, which included summaries of Officers E [REDACTED] (“Officer [REDACTED”]), [REDACTED] (“Officer [REDACTED”]), and Sgt. [REDACTED] interviews with CPD detectives. Medical records resulting from the incident were requested and those received were reviewed. The deposition transcripts of [REDACTED] (“[REDACTED”]) and [REDACTED] (“[REDACTED”]) were also reviewed.³ Finally, POD video footage captured parts the incident.

POD footage demonstrates a struggle between Sgt. [REDACTED] and [REDACTED] – this struggle was something that [REDACTED] denied in his interview with investigators.⁴ At one point in the POD video, [REDACTED] overcomes Sgt. [REDACTED] and forcefully takes him to ground. Equally compelling was the lack of any documented injury consistent with the force [REDACTED] alleged, i.e., multiple kicks and/or punches by multiple officers over the course of a ten-minute beating.⁵

Upon a review of the compiled evidence we concluded the following narrative occurred by a preponderance of the evidence. CPD officers conducted a traffic stop on a vehicle driven by [REDACTED]. [REDACTED] sat in the front passenger seat and [REDACTED] was the backseat passenger. During the traffic stop, Officer [REDACTED] observed a firearm in plain view near the vehicle’s center console between the front seat passengers. Officer [REDACTED] then alerted Sgt. [REDACTED] and Officer [REDACTED] to the presence of the firearm. Sgt. [REDACTED], who was positioned at the front passenger door next to [REDACTED], asked [REDACTED] to exit the vehicle. [REDACTED] did not immediately comply with verbal commands; instead, Sgt. [REDACTED] believed he saw [REDACTED] make a movement towards the firearm. Sgt. [REDACTED] then pulled [REDACTED] from the car and a physical struggle followed.

During the physical struggle, [REDACTED] overcame Sgt. [REDACTED]. At one point, [REDACTED] took Sgt. [REDACTED] to the ground and then got on top of him. Sgt. [REDACTED] had difficulty in handcuffing [REDACTED] and was concerned that [REDACTED] would disarm him.⁶ Officers [REDACTED] and [REDACTED] came to Sgt. [REDACTED] aid and [REDACTED] was taken into custody through force, which included hand strikes, an emergency takedown, and an emergency handcuffing.

As a result of the struggle, Sgt. [REDACTED] incurred lacerations and bruising to his left arm/elbow. Sgt. [REDACTED] received medical attention for his injuries. Additionally, [REDACTED] intake health screening at the Cook County Jail indicated no referral for medical treatment, as well as no comments of alleged or actual injury. Officer [REDACTED] recovered a .380 caliber semiautomatic pistol from the vehicle.

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals.

³ We found parts of [REDACTED] and [REDACTED] deposition were refuted by video evidence.

⁴ Att. 48.

⁵ Att. 17.

⁶ Sgt. [REDACTED] account of the incident was corroborated by video and eyewitness evidence.

III. ANALYSIS AND CONCLUSION

CPD policy permits officers to use force against an assailant.⁷ An individual is considered an assailant when they use or threaten the use of imminent force against himself/herself or another. When considering our above Summary of Evidence as true by a preponderance of the evidence, we find that [REDACTED] actions of not following verbal commands, overcoming Sgt. [REDACTED] by throwing him to the ground, getting on top of Sgt. [REDACTED], resisting handcuffing, and ultimately resisting arrest to be consistent with the actions of an assailant. Therefore, we find the collective force used by the involved Sgt. [REDACTED] and Officers [REDACTED] and [REDACTED] (open-hand strikes, an emergency takedown and an emergency handcuffing) to be permissible under CPD's use of force policy. Furthermore, the force used did not result in any apparent injury to [REDACTED], which suggests that the force use was measured and proportional. Accordingly, we reached a finding of exonerated for the allegations against Sgt. [REDACTED] and Officers [REDACTED] and [REDACTED].

Approved:



Date

Deputy Chief Administrator – Chief Investigator

⁷ Force Options, General Order G03-02-02.

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]